

Attorney's Docket No.: 86-292002 / MGH-0952.1 Mill

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Miller, S. I.

Art Unit : 1641

Serial No. : 09/068,804

Examiner : Padma Basker

Filed : May 14, 1998

Title : SALMONELLA SECRETED PROTEINS AND USES THEREOF

Assistant Commissioner for Patents  
Washington, D.C. 20231DECLARATION UNDER 37 C.F.R. § 1.131

I, Samuel Miller, declare as follows:

1. I am the sole inventor of the subject matter claimed in the patent application identified above.
2. I have reviewed an Office Action mailed October 14, 1999, in which the examiner rejected (i) claims 1-4, 7, 10 and 16-18 as anticipated by Kaniga et al. (Journal of Bacteriology, 177, 3965-3971, 1995), and (ii) claims 1-2, 4, 6, 8, 10 and 16-18 as anticipated over Hermant et al. (Molecular Microbiology, 17, 781-789, 1995).
3. I am informed and believe that the earliest date the Kaniga et al. reference was available to the public was July 8, 1995.
4. I am informed and believe that the earliest date the Hermant et al. reference was available to the public was September 18, 1995.
5. The invention claimed in this patent application was conceived and reduced to practice in the United States prior to the publication date of Kaniga et al. and Hermant et al.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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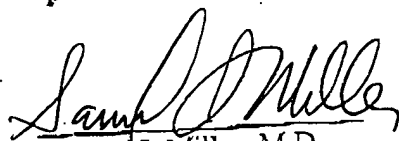
Signature

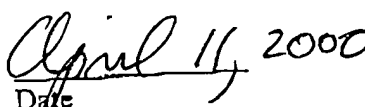
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6. A copy of the Hueck et al. reference (*Molecular Microbiology* 18, 579-490, 1995) is attached (Attachment A). This reference describes my work related to the claimed subject matter of the present application (see, in particular Figure 4, on page 483 of the article, which discloses the amino acid sequences of SspA/C/D/A). The Hueck et al. manuscript was received by the publishers of *Molecular Biology* on May 17, 1995, and the revised and final version of the manuscript was in the hands of the publisher on or before July 6, 1995. The date the manuscript was revised is shown in the Hueck paper at page 479, column 1.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued therefrom.

  
Samuel I. Miller, M.D.

  
Date